

THE SUPREME COURT OF THE STATE OF ALASKA

REFUSED FOR FILING

S-17424 is closed. The time for filing anything on the 12/02/2020 decision has passed. App. R. 506. M. Montgomery, Clerk cc: Dept of Law

FILED

AUG 16 2021

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APPELLATE COURTS OF THE STATE OF ALASKA  
APPELLATE COURTS OF THE STATE OF ALASKA

Cim Joel Blair

(Appellant)

v.

State of Alaska, Department  
of Corrections

(appellee)

) Supreme Court No. S-17424

) Superior Case No. 3KN - 18 - 00743

Request for Clarification

Comes now Appellant Cim Blair before this Honorable Supreme Court to make official inquiry into adjudicative best practices with respect to the Supreme Court's Memorandum Opinion and Judgement No. 1804 dated January 6, 2021, and to clarify the Supreme Court's intent with respect to the distribution of same.

Appellant Blair brings the Supreme Court's attention and the attention of the Department of Law to administrative irregularities currently perpetuated by the Department of Corrections, specifically the institutional probation officers of Wildwood Correctional Center.

Background

In 2018, Appellant Blari discovered that a subpoenaed witness in his criminal case, a person state troopers had been unable to locate, was incarcerated in an adjacent facility. Appellant Blair attempted to coordinate the introduction of exculpatory testimony through and from this individual, but the legal materials were siezed by Department of Corections officers who then refused to return them to Appellant Blair.

After failing to recover his legal documents, ~~for to~~ mitigate the consequences of the absence of this witness, Appellant Blair brought before the Superior Court Case No. 3KN - 18-0074~~1~~ to adjudicate allegations of non-feasance, mal-feasance, and due process violations by Department of Corrections officers and administrative staff.

The Superior Court dismissed Appellants claim for failure to state a cognizable claim for damages and that Blair's claim was barred by sovereign immunity and Blair's failure to exhaust administrative remedies.

Appellant brought this case before this Honorable Supreme Court (S-17434). In the Supreme Court Memorandum Opinion and Judgement, the Supreme Court upheld the Superior Court's dismissal (with some modification.) The Judgement stated that Appellant Blair's alleged violations appeared constitutional in nature and that administrative remedies remained available. The Judgement, dated January 6, 2021, was mailed to Appellant Blair and Appellee Matthias Cicotte (ast. AG, Department of Law) on January 11, 2021.

#### Recent Developments

Wildwood Correctional Complex appears to be suffering from a culture of punitive entitlement. With respect to prisoner legal correspondance with the Courts, a recently assigned Facility Standards Officer mandated a change by facility fiat that corrective staff retained the right to photocopy, read, and maintain any or all prisoner legal correspondance prior to mailing, and that no legal materials are privileged until sealed and mailed by the U.S.P.S.

Appellant greatly doubts it was the intent of this Supreme Court to provide the Department of Corrections an instrument to bludgeon Appellant for questioning, for challenging the actions of the Department of Corrections.

May the Supreme Court clarify their actual intent as stated by their Judgement? The Supreme Court upheld Appellant's continued efforts for administrative relief, correct?

Equally disturbing is the Department of Corrections obvious disregard for their own mail and legal material policies. By all appearances, Wildwood administration intercepted and opened Appellant's privileged mail at Wildwood Pre-Trial Facility, photocopied the materials, and then incorporated them into Appellant's institutional file without notice or additional context. The Court record does not indicate that the Department of Corrections requested or received a copy from the Court Clerk.

Perhaps the Department of Law can clarify their chain of custody of the Supreme Court's Judgement and Order. Assistant Attorney General Matthias Cicotte also had a printed copy of this opinion. Cicotte, the self-avowed neo-Nazi. Cicotte, the now exposed anti-Semite hyper violent homophobic secessionist traitor to Alaska and the United States.

That guy.

Given his recently revealed opinions of prisoners in general, what should Appellant assume of Mr. Cicotte's opinion of a prisoner who argued against him in the Supreme Court?

This violation of a prisoner's rights to freely communicate with the Courts without interference was intolerable. Appellant Blair recently filed an administrative appeal with the Superior Court Case No. 3KN - 21 - 05766 to challenge this new policy.

Appellant Blair suspected there may have been additional violations by the administrative staff of Wildwood Correctional Complex, specifically violations of the handling of legal correspondence. On August 2, 2021, Appellant Blair requested to review his institutional file.

Appellant Blair discovered a copy of this Honorable Supreme Court's Opinion and Judgement in the section of his institutional file reserved to Appellants criminal case. Under Department of Corrections policy respective of Institutional Records, Section 1, civil judicial opinions or actions before the Courts do not belong in this section out of concern for prejudicing officers who must review such materials to determine housing, security, and other concerns.

According to the Clerk of the Supreme Court, copies of the Judgement were only sent to Appellant Blair and Appellee Matthias Cicotte.

#### Request for Clarification

Appellant Blair is disturbed by the discovery of his civil action before this Supreme Court in a section of his institutional file typically reserved for criminal, security, and other classification issues. There is no obvious rehabilitative purpose for Appellant's Judgement to be mixed into his criminal case information save to provide material to justify vindictive future behavior, material prejudicial to the administration of justice or the principle of reformation.

Can the Department of Law clarify if the Department of Corrections solicited a copy of the Judgement, or did Mr. Cicotte act in his official capacity for personal reasons?

Appellant Blair additionally asks this Supreme Court for clarification of the intent of 22 AAC 05.545. Is it true that prisoners have a constitutional right to access the Courts, including this Honorable Supreme Court, without reprisal or penalty from Department of Corrections administration or rogue and detestable employees of the Department of Law?

Appellant Blair wishes to express his sincere gratitude to this Supreme Court and to the Department of Law for furthering his understanding of these matters.

Signed this 18<sup>th</sup> day of AUG, 2021, at Kenai, Alaska.

Cim Blair

Cim Blair (Appellant)

I certify that on the 18<sup>th</sup> day of AUG, 2021, I sent a copy of the above document and exhibits to the following"

Andalyn Pace Assistant Attorney General  
Department of Law, Civil Division  
1031 W. 4th Avenue, Suite 200  
Anchorage, AK, 99501

Cim Blair

- Exhibit A: Order/Remand to Superior Court dated 1-6-2021, copy discovered in institutional file, hand annotated 'WWPT' (Wildwood Pre-Trial)
- Exhibit B: Order, Memorandum, Judgement S-17434 dated 1-6-2021, copy discovered in institutional file, hand annotated 'WWPT' (Wildwood Pre-Trial)
- Exhibit C: Request for Information Form, dated 8-2-2021, requesting review of institutional file, with probation officer response.
- Exhibit D: Request for Information Form dated 8-11-2021 providing payment for photocopies of materials described above, with probation officer response.